

## **Amended Probate Notes for July 31, 2007**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, contact the civil division at (530) 406-6704. If you wish to have your petition preapproved, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

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**Case: Estate of McDonald**  
**Case No. CV PB 07-114**

Two petitions for probate are on calendar.

The following problems are noted with the petition filed by **Aarron Ashmore**, in pro per:

1. Answers were omitted for:
  - a. Item 2.b.: Name of person requesting to be appointed;
  - b. Item 2.d: Why bond should not be required;
  - c. Item 4.a: Date and place of death;
  - d. Item 4.b: Address of decedent;
  - e. Item 4.g: Address of petitioner; and
  - f. Item 6.a. the boxes were not completed for (7) or (8).
2. Proof of publication is not yet filed.

The following problems are noted with the petition by **Liza Katz**, in pro per:

1. Answers were omitted to
  - a. Item 4.f.(2): Why she is entitled to appointment as administrator;
  - b. Item 6.a.: Boxes were not completed for (1) or (2), (3) or (4), (7) or (8);
  - c. Item 9: List did not state her name and relationship to the decedent.
2. Proof of Holographic Instrument (Form DE-135) must be filed;
3. Proof of service of notice is not yet filed;
4. Proof of publication is not yet filed.

It is recommended that petitioner Aarron Ashmore file and serve an amended petition, and the proof of publication.

It is recommended that petitioner Liza Katz file a declaration which supplies answers to set #1, and files the other required documents.

**Case: Estate of Moore**  
**Case No. CV PB 07-116**

It is recommended to grant the petition to administer the estate.

**Case: Estate of Smith**  
**Case No. CV PB 07-121**

If proof of publication is filed, it is recommended to grant the petition to administer the estate.

**Case: In the Matter of the Carver Family Trust**  
**Case No. CV P2 07-117**

It is recommended to grant the petition for an order approving distribution and modifying the trust.

**Case: In the Matter of the Wangsness Trust**  
**Case No. CV P2 07-113**

If proof of service of 30 days notice is filed, it is recommended to grant the petition for appointment of successor trustee, for reformation of trust, and for reimbursement of costs.

**Case: Probate Conservatorship of Teresa Munich**  
**Case No. CV PB 03-181**

Counsel shall appear. No documents have been filed since the May 24, 2007, hearing.

**The following matter will be heard in Dept 10, at 8:30 a.m.:**

**Case: In the Matter of the Scimens Family Trust**  
**Case No. CV P2 07-120**

The following problems are noted:

1. Petitioner has not given the required 30 day notice to the parties. Only 18 days notice was given. Proof of service of 30 day notice is mandatory for proceedings concerning trusts. (Prob. Code §17203)
2. Carolyn Young has not filed her consent to serve as trustee.
3. It is not clear from the petition whether the trust is irrevocable, as this is not alleged.
4. A copy of the trust was not attached to the petition.
5. Petitioner has not complied with Rule 7.902, because the petition does not state the names and addresses of all vested or contingent beneficiaries.
6. All trustees and beneficiaries named in a trust must receive notice. (Prob. Code §17203)